

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONALD L. BRICKER,)	
Plaintiff,)	Civil Action No. 06 - 1704
v.)	
)	Judge Arthur J. Schwab
PAUL J. STOWITZKY; FRED J. RUFFO;)	
DEBRA K. SAUERS; RHONDA OSOKO;)	
JAMES STILES; DONNA BONNER;)	
EDWARD P. PAVLICK; JACQUELINE S.)	
MARQUARDT; OFFICER HARVEY; MS.)	
JANET KIMMELL; DEPUTY)	
NEISWONGER; CO. JOHN DOE;)	
JEFFERY A. BEARD; MR. MARTIN;)	
WILLIAM STICKMAN; GEORGE)	
MESAROS; and MR. COLE,)	
Defendants.)	

ORDER

The above captioned case was initiated by the filing of a Motion to Proceed In Forma Pauperis (doc. no. 1) on December 27, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 32), filed on July 2, 2007, recommended that Plaintiff's Motion for Preliminary Injunction (doc. no. 6) be denied and that Defendants' Motion to Dismiss (doc. no. 27) be granted. Plaintiff was served with the Report and Recommendation at SCI-Mercer and was advised that he was allowed until July 19, 2007 to file written objections. On August 1, 2007, Plaintiff filed an "appeal," which the Court construes to be objections to the Report and Recommendation.

After review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following order is entered:

AND NOW, this 6th day of August, 2007;

IT IS HEREBY ORDERED that Plaintiff's Motion for Preliminary Injunction (doc. no. 6) is **DENIED** and Defendants' Motion to Dismiss (doc. no. 27) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 32) of Magistrate Judge Lenihan, dated July 2, 2007, is adopted as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/Arthur J. Schwab

Arthur J. Schwab

United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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